UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/444,254	11/22/1999	RAY F. BARNARD	EN999116	8410

7590   07/28/2004

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ART UNIT	PAPER NUMBER
3627	

DATE MAILED: 07/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/444,254	BARNARD ET AL.
	Examiner	Art Unit
	Elaine Gort	3627

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _05 May 2004_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _29-40_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _29-40_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2.   Claims 32 and 34-39 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 32, 34 and 35 it is unclear what the difference is between "implementing" and "using" of the GP/AP system.

Claim 36 recites the limitation "said performing optimizing a solution for out-sourcing procurement of goods and services under the GP/AP system" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 37 recites the limitation "said performing training service providers of services to the customer" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 38 recites the limitation "said performing managing said service providers to assure quality of service from said service providers" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 39 recites the limitation "said performing managing a project relating to the GP/AP system" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 29-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Gundewar et al. (US Patent 6,381,610) in view of Oka (US Patent 5,537,591);

Examiner's Official Notice; and Microsoft Press Computer Dictionary.

Gundewar et al. discloses the claimed device but is silent regarding the system

being used for a GP/AP system; how items are selected in the software which does not

explicitly claim "buttons" for selecting tasks of categories; and where the folders and

views section, task title display and selection area, summary task creation button and

the detailed task creation button visually appear together in a single contiguous display

area.

Oka discloses in the "Summary of the Invention" in column 1, that it is known in

the art to provide programming instruction to coordinate the design, implementation and

use of an accounting system in order to coordinate the development of an accounting

system. See details also under the "Description of the Related Art" in column 1. It

would have been obvious to one having ordinary skill in the art at the time the invention

was made to provide the program storage device of Gundewar et al. for use on the

development of an accounting system as taught by Oka, in order to coordinate the

design, implementation and use of an accounting system.

Examiner takes official notice that selection buttons are notoriously old and well

known in the art of computer operating systems (such as used in a Window's interface)

in order to make it easy for a user to select an item from a list. It would have been

obvious to one having ordinary skill in the art at the time the invention was made to

provide the program storage device of Gundewar et al. and Oka, as modified above,

with buttons for selecting of Examiner's Official Notice, in order to allow the user to

conveniently select items. (For clarification and explanation of the rejection, Examiner

will presume that the progression from left to right in figure 3 is carried out by selecting

"buttons" in order to view additional detail.)

Microsoft Press Computer Dictionary discloses that it is known in the art of

computer graphical interfaces to provide a windowing environment where the screen is

divided into several windows each with its own boundaries and can contain different

information to provide users a multitasking interface to view different documents at the

same time. It would have been obvious to one having ordinary skill in the art at the time

the invention was made to provide the folders and views section, task title display and

selection area, summary task creation button and the detailed task creation button of

the program storage device of Gundewar et al.; Oka and Examiner's Official Notice, as

modified above, on one divided screen of a windowing environment as taught by

Microsoft Press Computer Dictionary, in order provide users a multitasking interface to

view these different documents at the same time on a screen.

Gundewar et al. discloses a program storage device readable by a machine, tangibly embodying a program of instructions executable by a machine to perform method steps for coordinating a project for designing, implementing, and using a computer software system for a customer (see column 1, lines 10+ and Table A which outlines the design, production, implementation and management of a computer software system), the method comprising:

Creating and maintaining a playbook database (for example: this includes all databases and data shown in figure 1; discussed beginning in column 2 line 66), where the playbook database comprises a plurality of templates of information relating to the design, implementation, and use of the computer software system (for example the templates include the information shown in Tables A-C and figure 3), the plurality of templates being particularized for the customer (Examiner contends that the computer software system is being designed for some type of end customer which will use the software, such as a company wanting to have their accounting system developed or improved, it is also possible that the customer is the developer also, but may be different individuals within a company);

Generating a playbook summary view from the playbook database (when users use the system views of information from the databases are generated for the user to use, such as Tables A-C and views one would encounter using the views in figure 3; See attached marked up copy of figure 3 for clarification);

Displaying the playbook summary view (viewing the data generated as shown in Tables A-C and figure 3), the playbook summary view comprising a folders and views

section, a task title display and selection area, a summary task creation "button", and a detailed task creation "button" (Examiner contends that the views shown in Tables A-C and figure 3 disclose these. For example the folders and views section could be interpreted to be the view of the project task template shown in figure 3, the task title display and selection area could be interpreted to be the project processes view shown in figure 3, the summary task creation "button" could be interpreted to be the selection of a procedure from the process data sheet view shown in figure 3, and the detailed task creation "button" could be interpreted to be the selection of a second procedure from the process data sheet view shown in figure 3),

The folders and views section includes category "buttons" (categories include the major project tasks shown in figure 3 which can be selected for further detail) relating to categories of tasks associated with the designing, implementing and using the computer software system,

The task title display and selection area adapted to include "buttons" for selecting tasks pertinent to the categories of tasks (tasks include the process shown in figure 3 which can be selected for further detail),

The "buttons" for selecting tasks identifying the tasks which may be so selected (the process identifies the process to be selected, see figure 3),

The "buttons" for selecting tasks adapted to be displayed in the task title display and selection area in response to a selection of a "button" of the category "buttons" (selection of a major project task will cause the process "button" to be shown in the task title display, figure 3);

Generating and displaying a summary task template (such as the generation and display of the procedure data sheet of figure 3) of the plurality of templates for a selected first task of the tasks identified in the task title display and selection area, the summary task template being generated and displayed in response to a selection of the summary task creation "button" (such as the selection of a procedure within the process data sheet will generate and display a procedure data sheet as a "summary task template"), the summary task template including summary parameters (such as the steps shown in the procedure data sheet in figure 3) of the selected first task, the generated summary task template being derived from the playbook database (all data within these views are stored within databases which are defined to be the "playbook" database); and

Generating and displaying a detailed task template (such as the generation and display of the procedure data sheet of figure 3 for a second process selected from the project processes task list, see notes on marked up copy of figure 3) of the plurality of templates for a selected second task of the tasks identified in the task title display and selection area, the detailed task template being generated and displayed in response to a selection of the detailed task creation "button" (selection of a second process will generate and bring up a related "detailed" task creation "button" which when selected brings up a related "detailed" template), the detailed task template including detailed parameters of the selected second task, the generated detailed task template being derived from the playbook database (all data within these views are stored within databases which are defined to be the "playbook" database).

Regarding claims 30 and 31, team member usage of the system is disclosed in column 7, line 38 and templates are shown to be linked to all types of documents, instructions, flow charts, etc... including guidelines, templates, and sample templates as shown in figure 3.

Regarding claims 36-38, Examiner contends that all the functions of out-sourcing procurement and training and managing of service providers are well known business functions for which it would be obvious to one of ordinary skill in the art to design software to perform these functions efficiently to increase profitability for the user. For example the training and management of service providing individuals, and the out-sourcing for procurement of goods and services are old and well known business practices to improve services and decrease manpower while increasing productivity in order to increase profitability and thus it would be obvious to utilize the computer program as modified above to generate and carry out a computer software system capable of performing these functions in order to increase a "customer's" profitability. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the program storage device of Gundewar et al.; Oka; Examiner's Official Notice; and Microsoft Press Computer Dictionary, as modified above, for the use of out-sourcing procurement and training and managing of service providers as taught by Examiner's Official Notice, in order to increase a "customer's" profitability

Response to Arguments

5.   Applicant's arguments with respect to claims 29-40 have been considered but are moot in view of the new ground(s) of rejection.   Examiner has considered all of Applicant's arguments and has incorporated explanations for each of these arguments in the above rejection.

Conclusion

6.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elaine Gort whose telephone number is (703)308-6391.

The examiner can normally be reached on Monday through Thursday from 7:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski, can be reached at (703)308-5183. The fax phone number for the organization where this application or processing is assigned is (703)872-9327.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-1113.

Elaine Gort

Examiner

July 14, 2004

7/26/04

ROBERT P. OLSZEWSKI
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